

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 5/14/2021
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DONALD BERDEAUX and CHRISTINE	:	
GRABLI, Individually and on Behalf of All Others	:	
Similarly Situated,	:	
	:	19-CV-4074 (VEC)
Plaintiffs,	:	
	:	<u>ORDER</u>
-against-	:	
	:	
ONECOIN LTD.; RUJA IGNATOVA; SEBASTIAN	:	
GREENWOOD; MARK SCOTT; DAVID PIKE;	:	
NICOLE J. HUESMANN; GILBERT ARMENTA;	:	
and THE BANK OF NEW YORK MELLON	:	
CORPORATION,	:	
	:	
Defendants.	:	
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VALERIE CAPRONI, United States District Judge:

WHEREAS on May 7, 2019, Plaintiffs filed the initial complaint in this action, which named as a Defendant Sebastian Greenwood (Dkt. 1);

WHEREAS on July 24, 2019, the Court ordered Plaintiffs to file either a Second Amended Complaint (“SAC”) or an opposition to the motion(s) to dismiss if Defendants moved to dismiss newly-appointed Lead Plaintiff’s First Amended Complaint (“FAC”) (Dkt. 39);

WHEREAS on August 23, 2019, the Court ordered Plaintiffs to file an update on the status of service on several Defendants, including Greenwood, and stayed the case pending service on all Defendants (Dkt. 46);

WHEREAS on January 24, 2020, the Court denied without prejudice Plaintiffs’ request to serve Greenwood by alternative means (Dkt. 78);

WHEREAS on February 28, 2020, the Court so-ordered Plaintiffs’ notice of voluntary dismissal without prejudice as to Defendants Greenwood and Dilinska (Dkt. 90);

WHEREAS on September 16, 2020, after the served-Defendants filed motions to dismiss, Plaintiffs sought clarification from the Court whether, pursuant to the Court's order at Dkt. 39, Plaintiffs already had permission to file the SAC and whether they had to choose between opposing Defendants' motions to dismiss or amending their complaint (Dkt. 119);

WHEREAS in their September 16, 2020 letter, Plaintiffs provided no indication that they sought to amend the FAC to add new parties as Defendants;

WHEREAS on September 18, 2020, the Court instructed Plaintiffs to either oppose Defendants' motions to dismiss or file the SAC (Dkt. 120);

WHEREAS on September 24, 2020, after attempting to file the SAC, Plaintiffs informed the Court that the Clerk of Court had prevented them from filing the SAC because Plaintiffs sought to add two new parties as Defendants: Gilbert Armenta and The Bank of New York Mellon Corporation (Dkt. 122);

WHEREAS Plaintiffs' September 24, 2020 letter gave no indication that Plaintiffs also sought to reinstate their claims against Greenwood, who had been voluntarily dismissed on January 24, 2020;

WHEREAS on September 25, 2020, Plaintiffs filed the SAC, which added Greenwood as a Defendant (Dkt. 125);

WHEREAS on December 23, 2020, Plaintiffs completed service of the SAC on Defendant Greenwood through the U.S. Marshals (Dkt. 165);

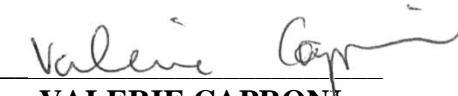
WHEREAS on April 21, 2021, after Greenwood failed to appear or respond to the SAC, the Court ordered Plaintiffs to apply for a default judgment against him (Dkt. 184); and

WHEREAS on May 10, 2021, Plaintiffs filed a proposed Clerk's Certificate of Default against Greenwood (Dkt. 194);

IT IS HEREBY ORDERED that no later than **May 19, 2021**, Plaintiffs must show cause why the Court should proceed toward a default judgment against Defendant Greenwood inasmuch as Plaintiffs added him as a Defendant without seeking or obtaining the Court's permission to reinstate their claims against him.

SO ORDERED.

Date: May 14, 2021
New York, New York


VALERIE CAPRONI
United States District Judge